IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

Crl.Rev.Pet.No. 77 of 2007()

(AGAINST CRL. APPEAL NO. 298 OF 2005, ADDITIONAL SESSIONS COURT (FAST TRACK-II), ALAPPUZHA AGAINST S.T. NO.266 OF 2003 OF THE JUDICIAL FIRST CLASSes MAGISTRATE - I, ALAPPUZHA)

REVN. PETITIONER - APPELLANT - ACCUSED:

K. NARAYANAN, S/O. KUTTAN, MITHEVELIYIL, WARD NO.3, MANNANCHERI PANCHAYAT, KALAVOOR P.O., CHERTHALA.

BY ADV. SMT.C.G.BINDU

RESPONDENTS - RESPONDENTS - COMPLAINANT & STATE:

1. VALAVANADU PUTHENKAVU DEVASWOM TRUST (REGD.) NO.A4-126/89, POLLATHAI, VALAVANADU, REPRESENTED BY PRESIDENT K.M. SURENDRANATH, S/O. MADHAVAN, SURAJ, POLLATHAI, VALAVANADU.

2. STATE OF KERALA THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.K.N.AZHAKESAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 77 OF 2007

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Dated this the 5th day of January, 2007

O R D E R

Heard. Admitted. Advocate Shri K.N. Azhakesan took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in S.T. No.266 of 2003 on the file of the Judicial First Class Magistrate No.I, Alappuzha. Conviction and sentence were confirmed by the learned Sessions Judge in Crl. Appeal No.298 of 2005. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter is settled out of court. Parties have filed Crl. M.A. No.265 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007